



Hungary

Country Reports on Human Rights Practices - [2004](#)

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Hungary is a parliamentary democracy with a freely elected legislative assembly. Prime Minister Peter Medgyessy led a coalition government formed by the Hungarian Socialist Party and the Alliance of Free Democrats after multiparty elections in April 2002, which were considered generally free and fair. In August, Prime Minister Medgyessy resigned, and MSZP member Ferenc Gyurcsany was nominated by the same coalition and confirmed by a parliamentary vote as the new Prime Minister in September. The judiciary is independent.

The country joined the European Union on May 1 along with nine other countries and took part in the European Parliamentary election in June, sending 24 delegates to the European Parliament.

The Hungarian National Police (HNP), under the Ministry of Interior's oversight, has responsibility for law enforcement and maintenance of order within the country. The civilian authorities maintained effective control of the security forces. Some members of the security forces committed human rights abuses.

The country has completed its transition from a centrally directed economy to a fully functioning market economy. At year's end, the population was approximately 10 million. The private sector accounted for more than 80 percent of gross domestic product. The Socialist government maintained a strong commitment to a market economy but has not succeeded in addressing remaining problems in agriculture, health care, and tax reform. Despite 7 years of strong economic growth, an estimated 25 percent of the population still lived in poverty, with the elderly, large families, and the Roma most affected. At year's end, observers estimated economic growth at approximately 4 percent; the average inflation rate at 6.8 percent; and the unemployment rate at 6.1 percent.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There were reports that some police used excessive force, beat, and harassed suspects, particularly Roma. There were allegations of government interference in editorial and personnel decisions of state-owned media. Violence against women and children remained significant problems. Sexual harassment in the workplace also continued to be a problem. Racial discrimination persisted, as well as anti-Semitic phenomena, such as vandalism of Jewish cemeteries and coded speech by fringe political groups. Societal discrimination against Roma was a serious problem. Trafficking in persons was a problem.

RESPECT FOR HUMAN RIGHTS

Section 1

Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of political killings by the Government or its agents, however, in June, a Bulgarian died while attempting to escape police custody. The man, arrested for having created a disturbance on an Amsterdam to Budapest flight, attempted to escape from a police car after his court appearance. Two police officers injured the individual in an ensuing struggle. The man died while on route to the hospital. The preliminary medical examiner's report determined that the cause of death as strangulation. Press reports speculated that one of the officers might have improperly restrained the man, resulting in strangulation. The National Police Chief suspended the two policemen from their positions, pending an investigation by the prosecutor's office. The investigation was still pending at year's end.

In July, a young Roma man died after being chased and tackled by an off duty police officer in Kecskemet. The local Roma community and the man's family did not accept the preliminary medical examiner's report that the man died from a congenital heart defect. The police chief reinstated the suspended officer based on the medical examiner's report, despite the report noting the unexplained presence of sand in the suspect's windpipe and water in his lungs. The final coroner's report, released by the Budapest Central Police, affirmed the conclusions of the preliminary medical report and found no relation between the man's death and the officer's actions. The Office of the Minority Affairs Ombudsman was also investigating the incident, and its report

was still pending at year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices; however, police occasionally used excessive force, beat, and harassed suspects, particularly Roma. For example, according to the Roma Press Center, in December, police beat a Roma couple while in custody at the Szigetvar police station. Police released the couple, detained on suspicion of pickpocketing, after 2 hours. The man, an epileptic, sought treatment at a local hospital for injuries to his kidneys and lungs allegedly sustained at the hands of police. Officials from the Baranya County Police Headquarters took the couple's statements along with their complaint and were investigating the case at year's end.

In December, eight police officers were put on trial by the Kaposvar Military Prosecutor's Office for allegedly beating a 31-year-old Roma man in January. The officers were charged with illegal restraint, maltreatment during an official procedure, assault and battery, and committing a breach of duty. The man was allegedly dragged from his home and driven by car for 10 minutes while being beaten by the officers, allegedly to dissuade him from pressing charges against a local deputy in another abuse case.

In July, the European Court of Human Rights in Strasbourg found that the Government had violated the European Convention on Human Rights in the case of Sandor Balogh versus Hungary. The case concerned the abuse of Sandor Balogh while in police custody in 1996. The Court ruled that there was a violation of Article 3 (prohibition of inhuman or degrading treatment), but no violations of Article 13 (right to an effective remedy). The Court awarded Mr. Balogh \$5,400 (4,000 euros) for pecuniary damages, \$13,500 (10,000 euros) for non-pecuniary damages, and \$4,050 (3,000 euros) for costs and expenses.

The Government actively pursued allegations of police abuse. In the first half of the year, authorities investigated 18 cases of suspected abuse by police involving 15 police officers. The majority of incidents occurred during interrogations. A total of 12 incidents resulted in court cases, with 9 guilty verdicts. NGOs usually estimated that approximately half of the police abuse cases involved Roma victims. The law does not authorize the Government to compile statistics on race or ethnicity. There were occasional reports that police punched, kicked, and struck persons with truncheons while in police custody. The Government conducted investigations in some cases and brought charges against individual police officers.

While the number of police abuse reports remained relatively steady compared with the previous year. The widespread prejudice against Roma further complicated efforts to assess the extent of police abuse, particularly against Roma. As in previous years, the National and Ethnic Minority Right Protection Office received frequent complaints from Roma of police abuse and misconduct.

NGOs, such as the Mahatma Gandhi Human Rights Organization, believed that there were fewer cases of police harassment of foreign residents, particularly of non-Europeans; however, police continued to show indifference toward foreigners who were victims of street crime. Discrimination against dark skinned foreigners persisted.

Prisons were overcrowded but generally met international standards. As of September, the prisons and detention centers held 16,538 persons or 146 percent of capacity. The Government continued to expand the capacity of several prisons. Men and women were held separately; juveniles were held separately from adults; and pretrial detainees were held separately from convicted prisoners.

On November 27, 2003, a Romani inmate burned to death in a "rubber cell" at a prison in Zalaegerszeg, Zala County. An investigation determined that the prison guards did not adequately search the inmate before placing him in the cell. The cause of the fire was determined to be from a lighter that the inmate had smuggled in with him. The death was ruled a suicide, and the guards were fined for not following proper procedures.

The Government permitted visits by independent human rights observers, and such visits occurred during the year.

d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions; however, in April, a 15-year-old Roma boy remained in custody for robbery several weeks after the alleged victim confessed to having falsely accused the boy. Despite being exonerated, the Borsod Abauj-Zemplen County Police refused to release the boy until the victim's confession had been delivered to police from the county prosecutor's office.

The Hungarian National Police has responsibility for law enforcement and maintenance of order under the direction of the Ministry of Interior. In addition, city police forces and the National Border Guards share security responsibilities, ultimately also under the Ministry of Interior's direction. The Government actively pursued allegations of police abuse. Punishments for abuses committed by police included fines, probation, prison sentences, and dismissal (see Section 1.c.). A book on victim protection,

used to train police officers and activists, also listed all NGOs providing protection to crime victims.

The law requires that police obtain warrants to place an individual under arrest. Police must inform suspects upon arrest of the charges against them but may hold detainees for a maximum of 72 hours before filing charges. The law requires that all suspects be allowed access to counsel prior to questioning and throughout all subsequent proceedings and that the authorities provide counsel for juveniles, the indigent, and persons with mental disabilities. Credible reports suggested that police did not always allow access to counsel, particularly for persons accused of minor crimes. There was a comprehensive bail system, which was used frequently.

Pretrial detention, based on a warrant issued by a judge, may not exceed 3 years while criminal investigations are in progress. The Government may detain individuals for 3 days without bringing charges against them. Not all suspects were remanded to detention centers after arraignment while pending trial. The law stipulates that authorities can request pretrial detention in cases when it is likely the suspect will flee, when the gravity of the charges warrant detention, or when the release of the suspect would endanger the investigation. In 2003, 6 juvenile offenders and 12 adults who had been detained for more than the new maximum period were set free.

The Prosecutor General's Office reported that the average length of pretrial detention was 118.5 days during the year; however, nearly 12 percent of detainees were held for periods longer than 8 months. Aliens usually were held until their trials, since they were considered likely to flee the country. Roma alleged that they were kept in pretrial detention longer and more frequently than non-Roma, although the data protection law prohibits keeping records detailing the ethnicity of the detainees (see Section 1.e.). The law provides for compensation if a detainee is released for lack of evidence, but the procedure rarely was exercised since detainees must undertake a complicated legal procedure to pursue such claims. The Minister of Justice decides upon compensation. The amount is decided on a case-by-case-basis and may cover the costs of the trial, attorney's fees, lost wages, and some miscellaneous sums.

The law permits police to hold suspects in public security detention (PSD) under certain circumstances, including when a suspect has no identity papers, when blood or urine tests must be performed, or when a suspect again commits the same misdemeanor offense after receiving a prior warning. Suspects may be held in PSD for up to 24 hours. Such detainees were not always informed of the charges against them, because such periods of "short" detention were not defined as "criminal detention" and, therefore, were not considered covered by the Criminal Code.

The Government funded or operated victim protection offices in each county to provide psychological, medical, and social services to victims of crime. At the conclusion of judicial proceedings, victims may apply through the Safe Hungary Public Foundation for financial compensation from the perpetrator. In practice, both citizen and foreign victims received compensation from the victim protection offices; however, there is no indication of how often victims received compensation from perpetrators.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

Under the Constitution, the courts are responsible for the administration of justice, with the Supreme Court exercising control over the operations and judicial procedure of all other courts. Effective July 2003, a regional court system was established. The new regional courts serve as the court of appeals for county cases, thus creating a fourth level of appeals in the court system. The Supreme Court is the final court of appeal, and the Constitutional Court can hear appeals of military court decisions.

The Constitutional Court is charged with reviewing the constitutionality of laws and statutes brought before it, as well as the compliance of these laws with international treaties that the Government has ratified. Parliament elects the 11 members of the Constitutional Court, who serve 9-year terms. The judges elect the president of the Constitutional Court among themselves by secret ballot. Citizens may appeal to the Constitutional Court directly if they believe that their constitutional rights were violated. The Constitutional Court does not function as a court of appeal, and it cannot override the sentences made by regular courts. It can decide if a law is unconstitutional or not, and citizens can demand a retrial of their cases on the basis of a Constitutional court decision. The Constitutional Court is required to address every petition it receives; however, no deadline is specified for the Court to render a decision, resulting in a considerable backlog of cases. No judge or member of the Supreme or Constitutional Courts may belong to a political party or trade union. Members of the Constitutional and Supreme Courts also may not be members of Parliament or be employed in local government. The National Judicial Council nominated judicial appointees other than for the Constitutional Court and oversaw the judicial budget process.

The law provides for the right to a fair trial, and an independent judiciary generally respected this right. Trials are public, but, in some cases, judges may agree to a closed trial to protect the accused or the victim of a crime, such as in some cases of rape. Judicial proceedings generally were investigative rather than adversarial in nature. Defendants are entitled to counsel during all phases of criminal proceedings and are presumed innocent until proven guilty. Counsel is appointed for indigent clients, but the public defender system generally provided substandard service. There is no permanently staffed public defender's office; private attorneys may or may not choose to serve in this capacity. Public defenders were paid poorly--less than \$ 4.50 (1,000 HUF) for the first hour of the trial and less than \$ 2.50 (500 HUF) for each additional hour--and did not give indigent defendants priority. Lawyers often met indigent clients for the first time at trial. The Act on Legal Aid provided for greater assistance to defendants by providing for free legal advice from government-funded legal staff, but not representation.

Judicial proceedings varied in length, and delays of several months to a year before the commencement of trials were common. Cases on appeal may remain pending before the courts for indefinite periods, during which time defendants are held in detention. Defendants can confront or question witnesses against them and present witnesses and evidence on their behalf, and they have access to government-held evidence relevant to their cases. There is no jury system; judges are the final arbiters. The new Criminal Procedure Law allows 3 years from the start of an investigation until the first instance court sentence. Cases that have not resulted in a sentence are dismissed. The new law gives prosecutors more investigative powers than the HNP. Prosecutors may employ plea-bargaining, which police considered an important weapon in the fight against organized crime.

Many human rights and Romani organizations claimed that Roma received less than equal treatment in the judicial process (see Section 1.d.). Specifically, they alleged that Roma were kept in pretrial detention more often and for longer periods than non Roma. This allegation was credible in light of general discrimination and prejudice against Roma. Since the majority of Roma were from the lowest economic strata, they also suffered from substandard legal representation.

Military trials follow civil law and may be closed if justified on national security or moral grounds. In all cases, sentencing must take place publicly. The law does not provide for the trial of civilians in military courts.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and the Government generally respected these prohibitions in practice.

The law provides that the prosecutor's office may issue search warrants. Police must carry out searches of private residences in the presence of two witnesses and must prepare a written inventory of items removed from the premises.

Courts ordered evictions due to nonpayment of public utilities, but they were not carried out during winter months. According to NGOs, district councils threatened to take children away from Roma families to expedite evictions. NGOs also cited government figures that suggested it was less expensive simply to rent an apartment than it was to pay for a child in state care. Due to their economic status, Roma were disproportionately represented among those evicted for nonpayment of utilities.

Section 2

Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, opposition parties criticized the Government for influencing editorial and personnel decisions of state-owned media. Individuals may criticize the Government publicly or privately without reprisal and did so in practice.

Numerous privately owned print publications expressing a variety of views were available to the public. The Government generally did not interfere with the operation of private news media.

There were two state-owned public service television stations (MTV and Duna TV) and one public service radio (Hungarian Radio), two national commercial television stations (TV2 and RTL Klub), two national commercial radio stations (Slager Radio and Danubius Radio), and four national dailies (Nepszabadsag, Magyar Hirlap, Nepszava, Magyar Nemzet).

Interference in state-owned media remained a concern. Several state-owned radio and television stations were governed by a state-appointed public media oversight board, which has proportional political representation. During the year, allegations were made against the President of Hungarian Public Radio (HPR) that she had been a secret agent during the Communist period. Although the allegations were never substantiated, it was widely believed that the attempt to discredit her was politically motivated, as she was appointed to the post by the previous conservative government. In July, the board of the state-owned public television MTV cancelled the program Night Tracks (Ejjeli Meneddek) after the program had featured a well-known Holocaust victim. Opposition political parties were traditionally critical of the progovernment news coverage in state-owned media, and the audience for private news outlets exceeded that for state-owned broadcasters.

The OSCE Representative on Freedom of the Media criticized the country's outdated libel and secrecy laws in response to two court decisions during the year involving sentences for journalists. These journalists were given suspended prison sentences for libel convictions under the criminal statutes.

The Media Law provided for the creation of nationwide commercial television and radio boards and was intended to insulate the remaining public service media from government control. The National Television and Radio Board monitored news broadcasts for equal treatment of all political parties, and censured and fined public and private broadcasters.

Minority language print media continued to appear, and the state-run radio broadcast 2 hours of programs daily in languages of

the major minority groups: Romani, Slovak, Romanian, German, Croatian, and Serbian. State-run television carried a 26-minute program produced by and for each of seven major minority groups. In addition, a 50-minute joint program serving the five smaller minority communities was seen on a monthly basis along with 30 minute weekly documentaries covering one minority community monthly. Programming of Radio C, a public foundation-sponsored nonprofit station with an 80 percent Romani staff, was received only in the Budapest metropolitan area; however, a 1-hour program of Radio C aired on HPR's regional network daily. Although it received subsidies and foreign donations to cover its operations from the Soros Foundation's Open Society Institute and foreign embassies, it still lacked a stable source of income. Television programs for, about, and by ethnic Hungarians in the neighboring countries were broadcast for 3.75 hours per week.

The Government did not restrict access to the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice; however, prior to a planned neo-Nazi demonstration by a little-known group called "Hungarian Future," the Government attempted to stop the group from carrying out the demonstration, despite having no legal means to do so. Hungarian Future's leader was arrested 1 week before the demonstration and sentenced to 10 days' detention for publicly displaying a fascist symbol banned by law. The group declined to proceed with its demonstration as planned, due to the detention of its leader.

The Constitution forbids the registering of neo-Nazi groups, and the neo-Nazi group "Blood and Honor" was originally registered as a "cultural group". However, in December, a Budapest district court stripped Blood and Honor of its legal status under a law prohibiting "incitement against a community." Without legal status, Blood and Honor could not apply for permits to hold rallies or enjoy other legal benefits open to registered groups such as owning property, and opening bank accounts under its name. At year's end, Blood and Honor was expected to appeal the decision.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. There is no state religion; however, there are 4 historically recognized denominations (Roman Catholic, Calvinist, Lutheran, and Jewish) and 136 officially recognized denominations.

A group must provide 100 signatures to register as a religion, which it may do in any local court. While any group was free to practice its faith, formal registration made available to religious groups certain protections and privileges and granted access to several forms of state funding. The Government provided subsidies to some religious groups each year, and taxpayers may contribute 1 percent of their tax payments to a registered religious body. In 2003, 14.6 percent of the taxpayers offered 1 percent of their taxes to churches. In January, Parliament amended the tax code to make donations to any registered religion tax-free, and the Government matches taxpayer donations. In 2003, the Government provided subsidies to 121 religious groups.

Religious instruction was not part of the public school curriculum; however, the State permitted primary and secondary school students to enroll in extracurricular religious education classes.

The religious groups and the State agreed on a number of properties to be returned and an amount of monetary compensation to be paid for properties that could not be returned. These agreements are subsumed under the 1991 Compensation Law, which requires the Government to compensate religious groups for properties confiscated by the Government after January 1, 1946. During the year, the Government paid religious groups \$11 million (2.2 billion HUF) as compensation for the assets confiscated during the Communist regime.

During the year, the Government resolved 131 cases regarding properties seized from religious groups by the communist regime. No property was returned to churches. At year's end, there were 837 cases pending.

Despite a generally optimistic outlook regarding the decrease in anti-Semitism over the last several years, representatives of the Jewish community expressed concern over anti-Semitism in some media outlets, in society, and in coded political speech. For example, certain segments of an ongoing Sunday news magazine, Vasarnapi Ujsag, on Hungarian Public Radio were criticized for presenting guests who held anti-Semitic viewpoints. The weekly newspaper Magyar Demokrata continued to publish anti-Semitic articles, and featured articles by authors who have denied the Holocaust.

On January 11, over 5,000 persons held a protest in front of Tilos Radio against anti-Christian statements made on the air by an inebriated disk jockey on Christmas Eve 2003. After the demonstration, approximately 100 to 200 persons remained and burnt an Israeli flag. Although police witnessed the event, no arrests were made until after it received widespread media coverage. Two defendants were ultimately convicted and fined under the Hate Speech Law.

Several groups staged anti-fascist counterdemonstrations in response to Hungarian Future's aborted commemoration of the 60th anniversary of the fascist takeover of the country (see Section 2.b.). Despite the failure of Hungarian Future to go through with the demonstration, at least 10,000 anti-fascist demonstrators showed up, including the Prime Minister and almost all the ruling coalition's Members of Parliament (M.P.s).

According to police reports, during the first 8 months of the year there were 216 cases of persons vandalizing gravestones and cemeteries during the year, compared with 459 such cases in 2003. The Jewish community stated that there were fewer acts of vandalism in Jewish cemeteries than in 2003 (a downward trend continued from 2002), and it attributed most of the incidents to youths and did not consider the incidents anti-Semitic in nature.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice. There were no reports that local authorities tried to expel Roma from towns; however, the Government resettled 20 homeless persons from Budapest to government-subsidized apartments in the country on a volunteer basis.

The law does not provide for forced exile, and the Government did not employ it.

The Government may delay but may not deny emigration for those who have significant court-assessed debts or who possess state secrets. During the year, there were no known cases of delayed emigration. Those with approximately \$50,000 (over 10 million HUF) or more in public debt may be denied travel documents. The Government did not impose an exit visa requirement on its citizens or on foreigners.

The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has established a system for providing protection to refugees. In practice, the Government provided protection against refoulement, the return to a country where they feared prosecution. The Government granted refugee status or asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations assisting refugees and asylum seekers. The UNHCR reported that, during the year, 1,600 asylum seekers entered the country, including 1,146 illegal border crossers. The asylum seekers came primarily from Georgia, Serbia and Montenegro, Turkey, Vietnam, China, Algeria, and Nigeria. During the year, the Government accelerated its asylum process and granted 1,187 residence permits on humanitarian grounds. During the year, the Government granted refugee status to 149 applicants and temporary protected status to 177 persons, and 283 cases were pending. The Office of Immigration and Nationality (OIN) is the central authority for asylum and immigration matters.

Asylum applicants were housed in three government-owned camps and two temporary camps run by NGOs. One temporary camp was closed and another for unaccompanied minors was opened in 2003.

The OIN operated seven regional offices to process asylum requests and administered the refugee camps. Prospective refugees who sought only to transit to other European countries were encouraged to return to their countries of origin. In September, 565 asylum seekers were living in 3 permanent and 1 temporary reception center, and there were 14 minors (ages 4 to 17 years) living in a new home for unaccompanied minors. For aliens requiring greater monitoring in a more restrictive environment, the OIN operated four different shelters called community shelters. Aliens housed in the refugee camps enjoyed fewer restrictions on freedom of movement than those in community shelters did. Several NGOs and human rights organizations supported asylum seekers and provided legal information.

The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention/1967 Protocol. Foreigners apprehended trying to cross the border illegally either may apply for refugee status if they have valid travel documents or were housed temporarily at one of eight border guard detention centers for non-asylum seekers throughout the country, pending deportation. During the year a total of 4,588 aliens passed through the shelters, while on a typical day 114 persons occupied these facilities. The greatest number of aliens in the border guard facilities came from Romania, Moldova, Ukraine, Serbia-Montenegro, and Turkey. Although police sought the timely deportation of detainees who did not qualify for refugee status, a shortage of funds and the detainees' lack of documentation, such as passports, often resulted in lengthy stays. NGOs criticized the Government's indefinite detention of stateless and some undocumented foreigners pending resolution of their cases. There were no reports of abuse during deportation. NGOs and churches cooperate with the border guards to support the asylum seekers.

Section 3

Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage. Elections are held at least every 4 years. Parliamentary elections took place in April 2002, and municipal elections were held in October 2002. Reform of the country's political and economic structure led to the country's EU membership in May.

M.P.s are elected every 4 years through a multi stage process, in which voters cast ballots for individual candidates and party lists. In May 2002, the Socialist Party and the Alliance of Free Democrats established a post election coalition, which gave the two parties a 10-member majority in Parliament. The Socialist Party was the senior coalition member and nominated Peter Medgyessy as Prime Minister. The FIDESZ-Hungarian Civic Party and the Hungarian Democratic Forum were the opposition groups in Parliament. In August, Prime Minister Medgyessy resigned. Socialist Party member and Minister of Sport Ferenc

Gyurcsany was nominated for Prime Minister by the existing ruling coalition, and was elected by simple majority of the Parliament via a constitutionally prescribed method on September 29.

Although there was widespread perception of corruption in the executive and legislative branches, no compelling evidence of such corruption came to light in 2004. Anecdotal evidence suggested that significant corruption in procurement of military articles existed; however, various indices including Transparency International rate Hungary among the least corrupt governments in the region. Low-level corruption among law enforcement officials remained a problem, but the Government was taking steps to address the issue.

In Parliament, 35 of 386 representatives were women. Two women served in the Cabinet, and several women were state secretaries and deputy state secretaries. A woman (a former Minister of Justice) headed the Hungarian Democratic Forum, one of four parties represented in Parliament. The Speaker and one of the deputy speakers of Parliament were women. The level of women's political participation was greater in provincial and municipal governments than at the national level. The Hungarian Women's Alliance held weekend courses throughout the year to promote the participation of women in public life.

Although there is no legal allocation of minority representation within the national government, there were several ethnic minority M.P.s, including ethnic Germans and ethnic Slovaks. There were four Romani M.P.s. There were 3,000 Roma politicians in the local and national minority self-governments.

The law provides for the establishment of local minority self governments to enhance respect for the rights of ethnic minorities, particularly in the fields of education and culture. The self-governments received funding from the central budget and some logistical support from local governments. Self-governments provided wide cultural autonomy for minorities and handled primarily cultural and educational affairs. The president of each self-government is also a delegate to local government assemblies. The president has no voting or veto rights but has the right to speak and attend committee meetings. Minority self-governments are dependent on local governments for funding, office space, and equipment. Any of the 13 registered minorities may set up a minority self-government if at least 50 valid votes are cast in settlements with fewer than 10,000 inhabitants and if at least 100 votes are cast in larger settlements.

Since an individual's ethnicity is not registered officially, voting on minority self-governments is not limited to the minorities themselves. All voters receive a minority ballot in addition to the local government ballot. The elected local minority self-governments could elect their national minority self-governments, which have been formed by all 13 minorities. Several Romani self-governments have regional groupings to facilitate cooperation. Critics have called for increasing the authority and financial resources of the minority self-governments.

In 2002, non-minority candidates also were elected to minority self-governments and, in some cases, even obtained a majority, for instance, in Jaszladany. Romani rights observers viewed this outcome as undermining the local Romani community. Government efforts to amend the laws on minorities and elections to prevent non-minority voting in elections for minority self governments were pending in September. In September, 977 out of the 1,830 active self-governments were Romani self governments. Romani mayors headed 4 municipal governments, and 544 Roma sat on local and county government assemblies.

Two factors limited the effectiveness of the Romani and other minority self-governments: Elections of non-minorities to the self-governments, which prevented some minorities from exercising the autonomy the law is intended to promote, and the reported abandonment by some local governments of responsibilities for government functions related to the minorities, which the self-governments lacked the legal mandate and resources to address.

Section 4

Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Many NGOs reported that the Government continued to be responsive to their requests for information. Human rights groups indicated improvement in the degree of cooperation from government ministries and prosecutors' offices on cases involving Roma and police abuse. An increasing number of NGOs were involved in the law-making process; however, NGOs claimed that the Government's cooperation in this area was insufficient.

The Government did not interfere with activities of international NGOs operating offices in the country. During the year, Amnesty International opened an office in the country. Government cooperation with international NGOs was very good. In particular, the Government has worked closely with International Organization on Migration (IOM) in its effort to combat trafficking in persons (see Section 5).

A 21-member parliamentary Committee for Human, Minority, and Religious Rights conducted hearings and participated in the law-making process. The Committee was composed of both majority and opposition M.P.s, reflecting the proportion of party representation in Parliament, and was headed by an opposition chair. There were separate ombudsmen for human rights, data protection, and minority affairs. The ombudsmen were independent from the Government and prepared annual reports to Parliament on their activities and findings. Parliament elects the ombudsmen for 6-year terms. Persons with complaints who have not obtained redress elsewhere may seek the assistance of the Ombudsman's office. The Ombudsman's office does not

have the authority to issue legally binding judgments but may act as a mediator and conduct fact-finding inquiries.

The Minority Affairs Ombudsman--an ethnic German elected to a second term in 2001--played an active role in the examination of allegations of discrimination against the Romani community in such cases as school segregation, access to housing, and the election of non-Roma to the Romani minority self-governments (see Sections 3 and 5).

The Political State Secretary of Roma Affairs was moved from the Prime Minister's Office to the new Ministry of Youth, Family, Social Affairs, and Equal Opportunities. The Roma Affairs and Civil Relations Office operated out of the same ministry. The Government Office of Ethnic Minorities continued its operations, dealing with all 13 ethnic minority communities.

Section 5

Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution provides for individual rights, equality, and protection against discrimination; however, in practice, discrimination persisted, particularly against Roma.

Women

Domestic violence against women was common, but the vast majority of such abuse was not reported. The NGO Women Against Violence Against Women (NANE) reported that 20 percent of women were threatened by or were victims of domestic violence. The Government focused more attention on issues such as domestic violence. In September, the Government and NGOs sponsored a conference on domestic violence and victim's assistance for law enforcement and judicial officials. In addition, the Government funded NGO-run training seminars for law enforcement and judicial officials in the area of victim's assistance. The Ministry of Youth, Family, Social Affairs, and Equal Opportunities opened a shelter for victim's of domestic abuse and operated a 24/7 hotline for such victims.

The laws criminalize spousal rape. Women's rights organizations claimed that 1 woman in 10 was a victim of spousal abuse and that societal attitudes towards spousal abuse were archaic. The law prohibits violence in general and establishes criminal penalties for those convicted of such crimes. There are no statistics for domestic violence prosecutions, since this was not a distinct charge under the Penal Code.

Each county police station or county local government has a victim's protection unit. Police recruits received training from representatives of NGOs and international organizations on proper responses to rape and sexual assault cases. Victims of domestic violence could also obtain help and information from an NGO-run national hotline or at one of several NGO-run shelters. The hotline operated intermittently for 3 hours each day, and a message system was activated when a counselor was unavailable in person. Shelters provided short-term refuge, and their locations were concealed to protect victims.

Although rape is illegal, for cultural reasons the crime often was unreported. Police attitudes toward victims of sexual abuse reportedly often were unsympathetic, particularly if the victim was acquainted with her abuser. During the year, women were victims of 87,837 reported crimes of all types.

Prostitution is illegal; however, municipal governments may establish "tolerance zones" where such activity may occur. Currently, there is only one such tolerance zone, located in Budapest.

The Penal Code does not explicitly prohibit sexual harassment in the workplace, but there are laws prohibiting general harassment and the Labor Code has a section addressing the right to a secure workplace. However, sexual harassment remained a widespread problem. Women's groups reported that there was little support for efforts to criminalize sexual harassment and that sexual harassment was tolerated by women who feared unemployment more than harassment. The Labor Code, which regulates questions of security in the workplace, provides for sentences of up to 3 years' imprisonment for sexual harassment; nonviolent acts of sexual harassment may also be prosecuted under the defamation statutes. During the year, no charges were brought under this provision of the Labor Code.

Women have the same rights as men, including identical inheritance and property rights. The number of women in middle or upper managerial positions in business and government remained low, and, in practice, women received lower pay than men in similar positions and occupations. The number of women in the police and the military has risen over the past several years, and women were well represented in the judiciary and in the medical and teaching professions.

Children

The Government was committed to children's rights. The law provides for compulsory education, which was free through age 18 for children who were born after 1997. The Ministry of Education estimated that 95 percent of school-age children, with the exception of Romani children, were enrolled in school. Roma were far more likely than non-Roma to stop attending school before age 16. Reliable figures on Romani enrollment and graduation rates were unavailable due to the prohibition on collecting data on ethnicity.

Romani and other civic organizations continued to criticize the practice of placing Romani children in remedial education programs designed for children with mental disabilities or low academic performance, resulting in informal segregation. Although the children could return to the regular school system, only a small percentage did so. In 2002, the Ombudsman for National and Ethnic Minority Rights declared that segregation continued to exist in public education. An earlier report by the Ombudsman's office found that the high proportion of Romani children in "special schools" for children with mental disabilities was a sign of prejudice and a failure of the public education system. To prevent the improper placement of children in remedial education, particularly Romani children, parents were required to concur in the decision of the school to enroll their child in such a program and the child was tested yearly to measure educational performance. However, NGOs remained concerned that Romani children were still improperly referred to special schools despite the safeguards. In June, the Borsod bauj-Zemplen County Court ruled that the public school in Tiszatarjan had improperly referred 10 Romani students to remedial education classes and that those classes were inadequately conducted. The court ordered the school council to pay more than \$200,000 (approximately 38 million HUF) to the 10 families.

During the previous school year, Roma Affairs ministerial Commissioner of the Ministry of Education conducted an investigation of 1200 second-grade children in "special schools". The Ministry determined that 222 of those children could continue their studies in "normal" elementary schools. The Government Office of National and Ethnic Minorities estimated that as many as 700 schools had de-facto segregation. The Government stated that the Romani schools were designed to provide intensive help for disadvantaged children. During the year, the Ministry of Education released a report stating less than one-third of the 380 schools conducting special education programs have the necessary certification. Laws permit a combination of a maximum of three grades into one classroom, and prescribe the employment of a special-needs teacher in each program. However, the report found that, in 17 schools, grades 1 through 8 were combined, in 67 schools grades 1 through 4 were combined, and in 74 schools grades 5 through 8 were in 1 class. According to the European Roma Rights Center, Roma students make up 20 percent of the country's student population but over 50 percent of the remedial school population. Education officials claimed that this was largely due to the dire economic circumstances of these children's families, not due to discrimination.

In February, the Hungarian Examination and Evaluation Center for Public Education found that the private foundation school of Jaszladany, opened in September 2003, was not in accordance with the laws and was improperly segregated. According to the Ministry of Education, the authorities do not have the right to close down the school. At year's end, the Government was still working on amending the Law on Public Education to resolve the situation.

In June, the Ministry of Education initiated an investigation of the school councils in the towns of Bag and Isaszeg due to allegations of mistreatment of "special school" children made in a Roma Press Center report. The report claimed that the number of students with mental disabilities in Isaszeg increased 2 fold over 10 years, that educational practices were sub-standard, and that all the students in the remedial program in Bag were Romani children.

There were programs aimed at increasing the number of Roma in higher education. The Romaversitas program supported Romani students completing degrees in institutions of higher education; there were departments of Romani studies in the teachers' training colleges in Pecs, Eger, and Zsambek and of Romology at the University of Pecs. The Government provided a number of scholarships to Roma at all levels of education through the public Foundation for the Hungarian Roma. The Government reported that in the 2003-04 academic year, over 23,000 Roma received state-funded scholarships, of which 1,600 were given for studies at the university level.

School-age children may receive free medical care at state operated institutions and most educational facilities. Psychologists were available to evaluate and counsel children, and provisions existed for children to obtain dental care. However, NGOs and Roma activists claimed that Romani children did not have equal access to these and other government services.

Child abuse remained a problem. NGOs claim that an estimated 25 percent of girls suffered from abuse by a family member before they reached the age of 12. During the year, 7,423 children were reported as victims of crimes. NGOs reported that neglect and abuse were common in state care facilities. The law criminalizes relationships between an adult and a minor when the minor is less than 14 years of age. The Criminal Code provides sanctions against the neglect and endangerment of minors, assault, and preparation of child pornography; however, laws to protect children were enforced infrequently.

Child prostitution was not a common practice, although isolated incidents occurred. Severe penalties existed under the law for those persons convicted of sexually abusing children by engaging in such acts. While child prostitutes are not criminally convicted, they can be remanded to juvenile centers for rehabilitation and to complete school.

Trafficking in children for the purpose of sexual exploitation was a problem (see Section 5, Trafficking).

Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking in persons to, from, and primarily through the country remained a problem.

The Penal Code provides penalties for trafficking commensurate with those for rape. Under the law, even preparation for the trafficking in persons is a criminal offense. The penalty for trafficking is between 2 and 8 years in prison; the trafficking of minors is punishable by up to 10 years in prison. However, if an organized trafficking ring is involved, the sentence can be life

imprisonment and seizure of assets. The law provides for immediate deportation of foreign traffickers following completion of their sentences. Witness cooperation in the prosecution of traffickers was aided by the Witness and Victim Protection Act, which came into force during the year. This law provides witnesses with short-term relief from deportation and access to shelter. A total of 15 trafficking cases came to trial during the year, all of which were ongoing at year's end.

The government agencies most directly involved in anti trafficking efforts were: Police, border guards, customs authorities, prosecutors, and the Justice, Interior, and Foreign ministries. In principle, the Government is willing to extradite foreign nationals charged with trafficking; however, no such actions were taken in practice. The Organized Crime Task Force investigated trafficking cases involving organized crime, and the Government cooperated with other countries in joint trafficking investigations. On July 1, an anti trafficking unit was set up within the organized crime section of the National Police. By year's end, this unit had conducted joint investigations of trafficking rings with Norwegian, Danish, and Italian law enforcement authorities.

The country was primarily a transit point, but it was also a source and destination country for trafficked persons. No accurate estimate of how many trafficking victims transit through the country existed. Rough estimates by the Government and NGOs put the figure at approximately 3,000 per year. The most frequent targets were women between the ages of 13 to 27. Victims also included middle-aged women, men, and children. Women and children were trafficked for sexual exploitation primarily from countries to the east, where unemployment is higher: Russia, Romania, Ukraine, Moldova, and Bulgaria to Austria, Germany, Spain, the Netherlands, Italy, France, Switzerland, and the United States. Trafficking victims from Hungary typically were women from the country's eastern regions, where unemployment was higher. They were trafficked to Western Europe and elsewhere primarily to Austria, Belgium, Germany, Italy, and the Netherlands, as well as to Canada, Japan, Spain, Switzerland, and Turkey. Men trafficked for forced labor through the country en route to EU countries and the United States came from Iraq, Pakistan, Bangladesh, and Afghanistan. There were no estimates available on the extent of trafficking of males for forced labor.

Organized crime syndicates transported many of the trafficking victims for forced prostitution either in Budapest, or for transit to Western Europe or North America. Trafficking rings also exploited victims for domestic servitude and manual labor. Russian speaking organized crime syndicates were active in trafficking women through the country, primarily from Ukraine and other countries of the former Soviet Union to EU countries. Victims were recruited at discos and modeling agencies, through word of mouth, or even through open advertisements in local newspapers and magazines. Reportedly, some victims knew that they were going to work illegally; others believed they were getting foreign visas; others expected to work but believed their employers were obtaining the appropriate papers and permission. Once at their destination, the victims were forced into prostitution or other exploitation. Traffickers often threatened victims, confiscated identification documents, and severely restricted their freedom of movement.

There was no evidence of Government involvement in or tolerance of trafficking. However, border guards have been arrested for isolated instances of corruption. There were no available statistics on how many of these corruption cases involved trafficking in persons.

The Government has increased trafficking awareness and victim identification training for law enforcement and judicial officials by holding training workshops throughout the country. In addition, the Government has developed a training program for trafficking investigators focusing on both investigative skills and victim assistance. The Government has also instituted mandatory trafficking awareness courses at the National Police Academy and in continuing educational programs for veteran police officers. In cooperation with NGOs, the Government has developed other victim assistance training materials for law enforcement and consular officials, some of which have been adopted by other nations in the region. The Border Guards have developed a 300-page handbook to combat trafficking, which has been distributed to all law enforcement education institutions. At year's end, nearly 750 teachers and social workers have taken university classes on trafficking. The Government has also expanded its counter-trafficking efforts regionally with the establishment of the Crime Prevention Academy, which has begun to train Ukrainian and western Balkan law enforcement officials in counter-trafficking techniques.

Assistance with temporary residency status, short-term relief from deportation, and shelter assistance were available to trafficking victims who cooperated with police and prosecutors. There was no government-run operational shelter for trafficking victims; however, NGOs have provided shelter for trafficking victims on an informal basis. The Ministry of Interior's Victims' Protection Office managed a victims' protection fund and posted information on victim protection in every county police headquarters. Victims' Protection Office branches in 51 localities provided psychological and social support services and legal aid for all types of victims including trafficking victims.

The IOM, working with other NGOs, continued a program funded by the Government and foreign donors to raise awareness of the problem of trafficking and to educate potential victims. Women's rights organizations, the IOM, the Crime Prevention Section of the National Police, and the Ministry of Youth and Sports Affairs conducted preventive programs for teenagers in schools. NANE continued to operate a hotline that provided information on trafficking-associated advertising lures and situations to alert young women. NANE, the IOM, and the Public Fund for a Safe Hungary, with funding from foreign governments, cooperated to continue and enhance the operation of the hotline.

NGOs working on trafficking problems reported that cooperation with counterpart government agencies improved. The NGOs provided law enforcement officers with training in recognizing and identifying trafficking victims, which included sensitivity training as well as techniques to combat trafficking (see Section 4).

The Government has improved its internal coordination of its counter-trafficking efforts by forming an inter-ministerial working group.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, or in the provision of other state services. Government sources estimated that there were between 600,000 and 1 million persons with disabilities (6 to 10 percent of the population). Of these persons, 300,000 to 350,000 were considered to have serious disabilities and received increased government benefits. Persons with disabilities faced societal discrimination and prejudice.

A Council for the Disabled under the leadership of the Minister of Social and Family Affairs served as an advisory board to the Government. A decree requires all companies that employ more than 20 persons to reserve 5 percent of their jobs for persons with physical or mental disabilities, with fines of up to 75 percent of the average monthly salary for noncompliance. In practice, this regulation was not very effective, as employers would rather pay the small fine if caught. The international NGO Mental Disability Rights International (MDRI) and the local NGO Hungarian Mental Health Interest Forum (PEF) noted that no procedures existed to oversee the treatment and care of persons with disabilities who were under guardianship. The MDRI and the PEF also criticized the use of cages in government facilities for persons with mental disabilities.

The law mandates access to buildings for persons with disabilities; however, services for persons with disabilities were limited, and most buildings were not wheelchair accessible.

National/Racial/Ethnic Minorities

The law recognizes individuals' minority rights, establishes the concept of the collective rights of ethnic minorities, and states the inalienable collective right of minorities to preserve their ethnic identity. The law also permits associations, movements, and political parties of an ethnic or national character and mandates the unrestricted use of ethnic languages. To be recognized, an ethnic group must have at least 100 years' presence in the country, and its members must be citizens. On this basis, minority status was granted specifically to 13 national or ethnic groups (among which the Roma were easily the most numerous). Other groups may petition the Speaker of Parliament for inclusion if they believed that they fulfilled the requirements.

According to the 2001 national census, Roma constituted approximately 2 percent of the population, but many NGOs and government offices estimated the number at up to 5 percent. Ethnic Germans, the second largest minority group, constituted approximately 0.7 percent of the population. Smaller communities of Slovaks, Croats, Romanians, Poles, Ukrainians, Greeks, Serbs, Slovenes, Armenians, Ruthenians, and Bulgarians also were recognized as ethnic minorities.

During the year, the previously established office of Roma Affairs and the Political State Secretary for Minority Affairs were folded into the new Ministry of Youth, Family, and Social Affairs and Equal Opportunities. The Government planned to place a Roma affairs ministerial commissioner in six ministries. At year's end, there were two ministerial commissioners for Romani affairs in the Ministries of Education and Cultural Heritage. The Roma Affairs Inter-ministerial Commission, established in 1999, continued to work to support the integration of the Roma and to coordinate the Roma affairs activities of the ministries and the national government offices. Government and NGO observers claimed that they could have accomplished more were it not for budget limitations and the Government restructuring. However, the Government Office of Ethnic Minorities along with the Roma Affairs State Secretary played an active role in establishing the European Roma Forum in Brussels. Together with the Ministry of Education, the Office of Ethnic Minorities developed a special education program for three small minority communities (Polish, Greek, and Bulgarian) in which the children go to Hungarian schools but have an afternoon lesson in their native languages, cultures, and traditions.

Living conditions for Romani communities continued to be significantly worse than for the general population. Roma were significantly less well educated and had below average income and life expectancy. The unemployment rate for Roma was estimated at approximately 70 percent, more than 10 times the national average, and most Roma lived in extreme poverty.

The Minority Affairs Ombudsman played an active role in the examination of allegations of discrimination against the Romani community and continued to promote a uniform anti-discrimination law (see Section 4). The Law on Equal Treatment was passed by Parliament in December 2003.

Reports of police abuse against Roma were common, but many Roma were fearful to seek legal remedies or notify NGOs (see Section 1.c.). Police finished the investigation into the 2002 case of arson at the Roma minority self-government building in Pecsvarad without any arrests. Local Roma claimed that police were protecting the perpetrator. The February 2003 case of a Roma man, who accused police in Hajduhadhaz of excessive force after being shot, went to trial. At year's end, there was no verdict in the case.

The Penal Code provides penalties for hate crimes committed because of the victim's ethnicity, race, or nationality. Three cases from 2001 charging incitement of the public remained pending at the middle of the year, all involving distribution of anti-Semitic tracts. In December 2003, Parliament passed an amendment to the Hate Speech Law. The amendment modifies the law so that language does not have to meet the "incitement to violence" test to be considered hate speech. The President referred the amendment to the Constitutional Court. In May, the Constitutional Court declared the amendment of the Hate Speech Law

unconstitutional and returned the amendment to Parliament for reconsideration. The Parliament had not amended the Hate Speech Law by year's end.

Negative stereotypes of Roma as poor and socially burdensome persisted. Widespread discrimination against Roma continued in education, housing, penal institutions, and access to public institutions, such as restaurants and pubs. In some instances, the authorities fined establishments that banned Roma. In August 2003, the Roma Press Center published a report that a hospital in Heves County segregated pregnant Roma. At the instigation of the Minister of Equal Opportunity and the National and Ethnic Minority Office, the hospital made changes in the structure of the wards, and the responsible nurses were disciplined. During the year, the Ombudsman initiated an investigation in the case of the Roma man who died while being captured in Kecskemet (see Section 1.a.). The National and Ethnic Minority Right Protection Office sued a book-publishing house for publishing and distributing a schoolbook of ethics with several anti-Roma statements. Although the book is not on the national list of schoolbooks, schools can use it. The Roma Rights Protection Foundation has urged the Government to ban the book. During the year, the Minority Affairs Ombudsman conducted a survey on the Roma in the media, and concluded that Roma were underrepresented in the state-owned media outlets. The report recommended that the Government adopt some type of positive discrimination or affirmative action program to increase Roma representation in the media.

Education was available to varying degrees in most minority languages. There were certain minority schools where the minority language was also the primary language of instruction, and there were some schools where minority languages were taught as a second language.

Schools for Roma were more crowded, more poorly equipped, and in significantly worse condition than those attended by non-Roma. Government sources estimated that graduation rates for Roma remained significantly lower than for non-Roma, although there were no available statistics.

NGOs claimed that city councils threatened to remove children from Roma families in order to more easily evict those families for nonpayment of public utilities (see Section 1.f).

Section 6 Worker Rights

a. The Right of Association

The Labor Code recognizes the right of unions to organize and permits trade union pluralism, and the Government enforced it in practice. Workers have the right to associate freely, choose representatives, publish journals, and openly promote members' interests and views.

There were six trade union federations; each was targeted broadly at different sectors of the economy. The largest labor union organization was the National Confederation of Hungarian Trade Unions, the independent successor to the former monolithic Communist union, with approximately 235,000 members. As an indicator of union membership, in 2003, a total of nearly 600,000 taxpayers declared a deduction for payment union fees.

b. The Right to Organize and Bargain Collectively

The Labor Code permits bargaining at the enterprise and industry level, but collective bargaining was not widespread in many sectors of the economy. Labor organizations cooperated with each other and the Government. For example, the major trade unions worked closely together in the Interest Reconciliation Council, which brought together government officials, employers, and trade union leaders to advise the Government on labor policies and to set target wage increases. Individual trade unions and management may negotiate higher wages at the plant level. Under a separate law, public servants may negotiate working conditions, but the final decision on increasing their salaries rests with Parliament. The Ministry for Employment Policy and Labor Issues was responsible for drafting labor related legislation, among other tasks.

With the exception of military personnel and police officers, workers have the right to strike.

There are no export processing zones, but individual foreign companies frequently were granted duty-free zone status for their facilities. Employees in such facilities and zones are protected under the labor laws.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see Section 5).

d. Prohibition of Child Labor and Minimum Age for Employment

The Government adopted laws to protect children from exploitation in the workplace. The Labor Code prohibits labor by children

under the age of 16 and regulates temporary labor conditions during the school vacations for minors (14 to 16 years of age), including prohibitions on night shifts and hard physical labor. Children may not work overtime. The National Labor Center enforced these regulations in practice, and there were no reports of any significant violations of this statute.

e. Acceptable Conditions of Work

The IRC has the right to establish the minimum wage through agreement among its participants, representatives of the Government, employers, and employees. The minimum monthly wage was raised to \$260 (53,000 HUF), which did not provide a decent standard of living for a worker and family. The gross average monthly wage was \$550 (109,000 HUF). The minimum wage was only 49 percent of the average wage, and many workers needed a second job to make ends meet.

The Labor Code specifies various conditions of employment, including termination procedures, severance pay, maternity leave, trade union consultation rights in some management decisions, paid vacation and sick leave entitlements, and labor conflict regulations procedures. The Code sets the official workday at 8 hours, although it may vary depending upon the nature of the industry. A 48-hour rest period is required during any 7-day period. In 2002, the Labor Code was amended to conform to EU standards.

Labor courts and the Ministry of Economy enforced occupational safety standards set by the Government, but specific safety conditions were not consistent with internationally accepted standards. The enforcement of occupational safety standards was not always effective, in part due to limited resources. Under the Labor Code, workers have the right to remove themselves from dangerous work situations without jeopardizing their continued employment, and this right generally was respected in practice.